

1 SUPREME COURT OF THE STATE OF NEW YORK  
2 COUNTY OF KINGS, PART: 2

3 -----  
4 THE PEOPLE OF THE STATE OF NEW YORK

5 -against-

6 ATARA WISDOM

7 (DEFENDANT)  
8 -----

9 DATED: October 8, 2014

10 IND # 06615/2012

11  
12 BEFORE THE HONORABLE ALBERT TOMEI, JSC

13 APPEARANCES:  
14

15 FOR THE PLAINTIFF:

16 BY: MR. PHYLIS CHU, ESQ.

17 (Assistant District Attorney)  
18

19 FOR THE DEFENDANT:

20 BY: MR. DAVID WALENSKY, ESQ.  
21

22  
23 MICHAEL RIZZO

24 SENIOR COURT REPORTER  
25

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1 THE CLERK: Part Two now in session. Honorable  
2 Albert Tomei presiding. Calendar Number One off the  
3 sentencing calendar, 6615 of 2012, people versus Atara  
4 Wisdom. This matter is on for sentence. The defendant is  
5 incarcerated and produced before the court.

6 Appearances for the record.

7 MR. WALENSKY: David Walensky for Wisdom Atara.

8 MS. CHU: For the Office of the District  
9 Attorney Phyllis Chu. Good afternoon.

10 THE COURT: Good afternoon. Ms. Wisdom, do you  
11 feel a little better?

12 THE DEFENDANT: Yes.

13 THE COURT: Okay. For the record, yesterday we  
14 had adjourned the matter to today. And during the course of  
15 yesterday's events I had entertained the motion of Counsel,  
16 the post conviction motion the 330.30 and denied the motion  
17 by Counsel to vacate the conviction. And the decision and  
18 order was submitted to Counsel.

19 MR. WALENSKY: Yes, it was, Your Honor. Note  
20 my exception.

21 THE COURT: Mr. Wisdom, I know that you filed a  
22 motion claiming that there was ineffectiveness of Counsel.  
23 However, you cannot file a motion for ineffectiveness of  
24 Counsel pursuant to 330.30. That motion has to be filed with  
25 the Appellate Division or you can file a 440.10 motion which

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1 if you are assigned counsel post conviction and an attorney  
2 will make that judgement for you, okay.

3 THE DEFENDANT: Okay.

4 THE COURT: All right. Now is there any legal  
5 reason why the Defendant should not be sentenced at this  
6 time?

7 MS. CHU: No.

8 MR. WALENSKY: No.

9 THE COURT: Okay.

10 THE DEFENDANT: Could I address the Court for a  
11 second, please?

12 THE COURT: Yes. What is it?

13 THE DEFENDANT: I had put in a motion for my  
14 transcripts and it is not being spoken on. I don't  
15 understand why. I would like my transcripts from my trial.

16 MR. WALENSKY: Transcripts are submitted back  
17 to The Court. These are 18 B. I have to submit them at  
18 which time -- So the Appellate Attorney can get them. The  
19 Appellate Attorney or The Court will supply them to Ms.  
20 Wisdom. But prior to that they would have to be purchased  
21 because the reporters have to be paid for those Francis  
22 script is. So, essentially again with the appeal, she can  
23 ask herb appellate attorney for those transcript is. And  
24 they will be supplied to her. I have to turn them?.

25 THE COURT: Who does she ask?

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1 MR. WALENSKY: She sent in a request as a poor  
2 person for the trial transcript. But it is premature because  
3 they have to be submitted to the Court first. And that once  
4 they are with the Court, she -- they could entertain that  
5 request and they initially go to her appellate attorney.

6 THE DEFENDANT: Okay. Okay.

7 THE COURT: You are filing a notice of appeal;  
8 is that correct?

9 MR. WALENSKY: I will file a notice of appeal  
10 for her. She could -- she will actually need to file one  
11 because even though I ask an attorney be provided in my  
12 notice of appeal, the Appellate Division is stating that the  
13 defendants themselves have to also request an attorney. I  
14 will preserve her right regarding that. But she should file  
15 a notice to 30 Monroe Place.

16 THE COURT: Okay.

17 THE DEFENDANT: Could I address the Court  
18 again, please?

19 THE COURT: What else?

20 THE DEFENDANT: I asked Mr. Walensky on  
21 multiple occasions for my paperwork. That has not happened.  
22 I don't understand why. Because we were at the end of my  
23 trial. We are at sentencing and I don't have my paperwork  
24 which is a violation of my 14th Amendment. But if it is, you  
25 know, I mean, I guess that is --

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1 MR. WALENSKY: Her entire original file was  
2 turned over. There are transcripts of the recordings that  
3 were made during trial because she can't have the DVDs. But  
4 the transcripts are there. I retained the DVDs of the 911  
5 call and of her statement. Some of the paperwork, some of the  
6 paperwork, some of the papers requested, were just given to  
7 me at trial. That is the record of the card which is part of  
8 my 330 motion.

9 The statements who Mathew Shephard (phonetic  
10 spelling) was because Ms. Clue (phonetic spelling) had stated  
11 she would tell me who the witness was, but I couldn't --  
12 though Ms. Wisdom knew him, I couldn't turn it over to Ms.  
13 Wisdom yet. It was protected information up to the time of  
14 trial.

15 As an officer of the Court, I had to keep the  
16 confidence. I had the statement but no identity of Mathew  
17 Shephard. The entire file is with her parents. I gave them  
18 instructions for mailing them to Ms. Wisdom. I also told  
19 them to make copies so if something happened to them.

20 One of the problems at Rikers, when there are  
21 security checks officers take and throw out all of the  
22 papers. This happens time and time again.

23 THE COURT: So, the paperwork work was turned  
24 over to them?

25 MR. WALENSKY: The entire original file.

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1 THE COURT: Do you wish to be heard, Ms. Chu?

2 MS. CHU: Yes. I know this trial took place a  
3 couple of months ago. It was in July of this year that we  
4 received the verdict. However, having presided over the  
5 trial I know you are fully familiar with the facts and  
6 circumstances of the case that on November 29, 2011, the  
7 Defendant stabbed Anthony Wilson seven times inside of his  
8 home at 832 Bushwick Avenue. She took his phone, his keys  
9 and his wallet. She locked up the apartment. And she left.

10 She contacted a person by the name of Mathew  
11 Shephard, help Shard. She gave third party admissions to Mr.  
12 Shephard that she wouldn't pay rent to Mr. Wilson and fuck  
13 him so she poked him.

14 It was not until five weeks after that that Mr.  
15 Bilson's body was discovered partially decomposed by his  
16 landlord when he failed to pick up his mail from his  
17 mailbox. This Defendant since, she was apprehended, has  
18 failed to be truthful with regard to both the method of how  
19 she stabbed the Defendant and the motive for why she stabbed  
20 him.

21 She said -- she made statements to the police  
22 as well as to the D.A.'s Office about how the Defendant was  
23 -- the victim was trying to rape her and, therefore, she  
24 had to defend herself.

25 However, the evidence that was adduced during

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1 the course of this trial did not support her version of  
2 events. In fact, it contradicted her version of events. The  
3 evidence at the scene, as well as the injuries that were  
4 suffered by the victim, as well as the 911 call on November  
5 29, 2011, claiming there was a girl in his house acting crazy  
6 and he wanted her out.

7 The 911 tape evidences that this Defendant has  
8 extremely violent anger issues and is a danger to society.  
9 And for those reasons, The People are asking that the Court  
10 sentence her to the maximum allowable under the law. That is  
11 25 years to life.

12 THE COURT: Do you have somebody that plans to  
13 speak?

14 MS. CHU: Yes, Mr. Wilson's daughter Shaquana  
15 Stewart-Wilson would like to make a statement to The Court.

16 MR. WALENSKY: May I be seated?

17 THE COURT: Yes you can sit.

18 THE CLERK: State your name.

19 MS. STEWART-WILSON: Shaquanna Stewart-Wilson.  
20 I am the second oldest of Anthony Wilson. So, I have a  
21 little speech to say.

22 THE COURT: Go ahead.

23 MS. STEWART-WILSON: We are happy that we are  
24 able to find out who was responsible for the terrible  
25 ability, but at the same time my fear is gone. And he will

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1 never come back. It was also -- he was also kindhearted,  
2 caring and also willing to lend a helping hand. Anybody who  
3 knew him know he loved to dance. He was too much of a good  
4 person to be taken away from us. He didn't deserve to die  
5 like that.

6 It is good that we -- I have my family here to  
7 help a lending hand and strength and support. On behalf of  
8 my grandmother, who chose not to be here, I know he is  
9 smiling down because justice has been served on his behalf.

10 THE COURT: Thank you.

11 Counsel.

12 MR. WALENSKY: Yes, Your Honor. I am going to  
13 ask for the minimum sentence allowed by law. Your Honor, we  
14 were unaware, until the 390 exam --

15 This is a tragedy for everyone. Both families,  
16 lost someone. Until the 390 exam I was unaware that Ms.  
17 Wisdom had been sexually molested as a child for is a  
18 substantial period of time. I was not aware she had fallen  
19 and was in a coma for several weeks and when she came out  
20 wasn't the same type of person.

21 I was aware there were certain psychiatric  
22 issues. This was discussed with her in terms of the defense  
23 that would be presented. But I wasn't aware of the extent of  
24 these. And certainly not aware of the molestation.

25 Taking these into consideration we could,



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1 perhaps, understand -- well not to Ms. Wisdom but to  
2 apparently a jury was an overreaction to the events that  
3 transpired.

4 Mr. Wilson was extremely intoxicated, .24  
5 alcohol in his blood. Ms. Wisdom had said he attacked her.  
6 This was substantiated in terms of when Mathew Shephard  
7 testified. She said, yes, I poked him. She also said he had  
8 tried to rape her. And she did have a swollen -- swelling on  
9 her head around her face which is consistent with being  
10 punched. We don't know exactly what happened in that  
11 apartment but Anthony Wilson is now deceased.

12 I would like the Court to take into  
13 consideration these factors brought out in the 390 Exam in  
14 measuring justice with the understanding of a certain -- why  
15 a certain person might act out as they are.

16 Ms. Wisdom, to this day, denies that she  
17 murdered Mr. Wilson with intent in cold blood and was, in  
18 fact, defending herself. Thank you.

19 THE COURT: What is the --

20 The probation reports makes mention of a  
21 program.

22 MR. WALENSKY: MICA (phonetic spelling) is a  
23 psychiatric probationary program.

24 THE COURT: Ms. Wisdom, do you wish to speak at  
25 this time?

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1 THE DEFENDANT: Yes.

2 THE COURT: Go ahead.

3 THE DEFENDANT: Excuse me, if I speak to the  
4 family for a few seconds.

5 THE COURT: Quiet.

6 THE DEFENDANT: First off, I want to apologize  
7 for your loss. I want to apologize to each and every one of  
8 ya'll. Nothing was done intentionally. Yes, Anthony was a  
9 good person. And I am never going to try to take that from  
10 him. I am never going to try to erase that. I am never  
11 going to make it seem like he was a horrible person.

12 I don't think that you guys understand that he  
13 was fighting a demon that is way bigger than I think a lot of  
14 people can understand. It was not just his habit. It was  
15 his emotions. His loneliness. Everything that he has been  
16 feeling. I think that has been in order throughout his  
17 life.

18 Everybody is entitled to feel what they feel.  
19 I am not going to take that from ya'll. I am not going to  
20 make it seem like I am not supposed to like feel any type of  
21 -- I don't know, like I am not supposed to be punished for  
22 whatever, what happened. I never felt right about the whole  
23 thing in the first place. I never did. I am not going to  
24 feel right. I beat myself up the whole time ever since it  
25 happened. I am not happy about the circumstances. I am not

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1 happy about what happened. And know I didn't feel  
2 comfortable with anything at all.

3 Like I said, it is nothing that I could replace  
4 and give back to you guys. Wish I could, but I can't. I  
5 know what a loss is like. I apologize to each and everyone  
6 of ya'll separately.

7 And God willing, and God knows in my heart that  
8 I never tried to hurt him. I always looked out for Anthony  
9 to the best of my ability. And he has done the same thing  
10 for me. So, everything right now is being misinterpreted to  
11 make it seem like, you know --

12 I guess I really don't exactly know the words  
13 to say. I am not a bad person. I am not going to make it  
14 seem like -- you know, make everybody anybody feel like I am  
15 a bad person because I am not. Things has happened in my  
16 life. Things has happened in his life. It ended up being  
17 uncontrolling situation that could not have been avoided. I  
18 walked away plenty of times. I have. I want ya'll to all  
19 know that. I have. I want you to know that. I avoided a  
20 lot of things over the course of time. Don't think I did  
21 what I did, and did it intentional to make myself feel better  
22 or make anybody else feel better or anything like that. It  
23 was not like that.

24 I can't replace what was taken from your  
25 lives. I wish I could but I can't. I can't. So, only thing

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1 I can say is that I hope God blesses ya'll and God protects  
2 ya'll through everything.

3 THE COURT: Thank you.

4 The Court has before it a New York City  
5 Department of Probation Report. And it does reflect a prior  
6 conviction of the Defendant, bench trial for Attempted  
7 Assault and Harassment. I don't know exactly what date that  
8 was. Also, the Defendant was convicted of Assault Three in  
9 Lower Court. She was sentenced to 15 days and three years  
10 probation and had an order of protection.

11 The Defendant made probation. She violated it  
12 and was resentenced to nine 90 days in jail. On the  
13 Attempted Assault and Harrassment she was sentenced to 30 and  
14 15 jail days respectively, and an order of protection.

15 The Department of Probation also notes that the  
16 Defendant refused to make a statement and was uncooperative  
17 during the course of an attempted interview of the  
18 Defendant. It is a fact that the Defendant does suffer from  
19 certain mental health issues. And she was being medicated  
20 through MICA, a program at Kings County Hospital. However,  
21 she reportedly stopped going to the program against medical  
22 advice.

23 Taking into consideration all of the facts and  
24 circumstances of this matter, and the fact that after trial  
25 the Jury found the Defendant guilty of Murder in the Second

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1 Degree, Intentional Murder, The Court hereby sentences the  
2 Defendant to 18 years in jail as a determinate sentence -- I  
3 mean to say 18 to life. I made a mistake. I am sorry. 18 to  
4 life. And that will be the sentence of The Court.

5 THE CLERK: Ms. Wisdom, this is your right to  
6 appeal. You are advised that you have the right from the to  
7 file a written notice of appeal with the clerk of the court  
8 and duplicate within 30 days of this date. Similar notice  
9 must be served on the DA of Kings County.

10 If you can not afford or retain Counsel, you  
11 may apply to the Appellate Division 2d Department at 45  
12 Monroe Place Brooklyn, New York and ask that Counsel be  
13 assigned to you for the purpose of prosecuting your appeal.

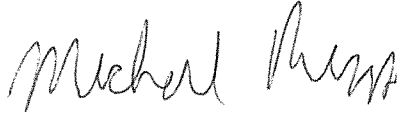
14 There is a \$300 mandatory surcharge. \$50 DNA  
15 fee, \$25 crime victim assistance which they take from inmate  
16 funds.

17 THE COURT: You can take charge.  
18  
19  
20  
21  
22  
23  
24  
25

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REPORTER'S CERTIFICATION

I hereby certify that the foregoing is a true and  
accurate transcript recorded by me

A handwritten signature in dark ink, appearing to read "Michael Rizzo". The signature is written in a cursive, flowing style.

Michael Rizzo  
Senior Court Reporter